



11
15
UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/271,816 10/22/99 PERTINENT

6 UTX1146000

026089 MM91/1010
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS
1420 FIFTH AVENUE
SUITE 2300
SEATTLE WA 98101-2347

EXAMINER

NAME/ENCL	ART UNIT	PAPER NUMBER
-----------	----------	--------------

2839
DATE MAILED:

10/10/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/471,816	Applicant(s) Bertini et al.	
	Examiner Chau N. Nguyen	Art Unit 2831	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.

- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.

- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.

- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on Aug 21, 2001

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-35 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-35 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are objected to by the Examiner.

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) All b) Some* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____	20) <input type="checkbox"/> Other: _____

Art Unit: 2831

DETAILED ACTION

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

Non-initialed and/or non-dated alterations have been made to the oath or declaration. See 37 CFR 1.52(c). The residence of inventor Stagi has been altered without an initial.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the features of the second conduit (or the housing) encasing the first conduit (or the sleeve) and also including a hollow interior to permit the passage of a fluid therethrough as claimed in claims 13, 24, 34 and 35 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to

Art Unit: 2831

make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-35 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specification, as originally filed, does not provide support for the claimed subject matter of "a fluid having a viscosity of less than or equal to 1000 centipoise" and "the fluid tight seal can hold at least 30 psig of internal pressure" as now claimed in claims 1, 14 and 25.

With respect to claims 13, 24, 34 and 35, the specification does not provide a detailed description to support for the second conduit (or the housing) encasing the first conduit (or the sleeve) to seal the first conduit (or the sleeve) within the second conduit (or the housing) and also including a hollow interior to permit the passage of a fluid therethrough. In other words, it is unclear to how can the interior of the second conduit be used to encase the first sleeve and also to permit the passage of a fluid therethrough?

Claims 2-12, 15-23 and 26-33 are included in this rejection because of dependency.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 2831

6. Claims 1-13, 21 and 24-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1, 14 and 25, the recitation of "a fluid having a viscosity of less than or equal to 1000 centipoise" is vague and indefinite. Viscosity of a fluid is changed upon a change in temperature. The claimed invention does not specify the temperature in which the fluid would have a viscosity of less than or equal to 1000 centipoise.

- ✓ Claim 1, line 4, "either" should be changed to --one of the-- and change "end" to --ends--.
- ✓ Claim 2, line 2, "the conduit" is unclear to which conduit.
- ✓ Claim 10, line 3, "a fluid tight seal" is unclear to how this one relates to the fluid tight seal recited earlier in claim 1.
- ✓ Claim 12, line 4, change "either open end" to --the other of the open ends--.
- ✓ Claim 13, line 2, "one open end" is unclear to how this relates to "open ends" recited earlier in claim 1.

Claim 13, line 4, "a fluid" is unclear to whether this is the same fluid recited earlier in claim 1.

✓ Claim 21, line 4, "a fluid tight seal" is unclear to how this one relates to the fluid tight seal recited earlier in claim 14.

Claim 24, line 2, "one open end" is unclear to how this relates to "open ends" recited earlier in claim 14.

Art Unit: 2831

Claim 24, line 4, "a fluid" is unclear to whether this is the same fluid recited earlier in claim 14.

In claim 25, should "the exterior end" be changed to --the interior end-- since the interior end is the one that received in the first conduit (see Figure 23).

Claim 25, line 10, before "adapted" insert --of the sleeve--.

Claim 25, line 11, before "electrical" insert --first--.

Claim 32, line 3, "a fluid tight seal" is unclear to how this one relates to the fluid tight seal recited earlier in claim 25.

Claim 34, line 4, change "either" to --one of the-- and change "end" to --ends--.

Claim 34, line 12, change "either open end" to --the other of the open ends--.

Claim 34, line 13, "one open end" is unclear to how this relates to "open ends" recited earlier in the claim.

Claim 34, line 15, "a fluid" is unclear to whether this is the same fluid recited earlier in the claim.

Claim 35, line 14, "one open end" is unclear to how this relates to "open ends" recited earlier in the claim.

Claim 35, line 16, "a fluid" is unclear to whether this is the same fluid recited earlier in the claim.

Claims 3, 9-11, 26-31 and 33 are included in this rejection because of dependency.

Art Unit: 2831

No rejection based on prior art is given at this point. MPEP 2173.06 states: "*where there is a great deal of confusion and uncertainty as to the proper interpretation of the limitations of a claim, it would not be proper to reject such a claim on the basis of prior art. As stated in In re Steele, 305 F. 2d 859, 134 USPQ 292 (CCPA 1962), a rejection under 35 U.S.C. 103 should not be based on considerable speculation about the meaning of terms employed in a claim or assumptions that must be made as to the scope of the claims.*"

Cited Art

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Takada et al. and Bryant et al. disclose a connector comprising first conduit and second conduit. Brauer et al. and McMills et al. disclose sealant material having a viscosity of less than 1000 centipoise.

Communication

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau N. Nguyen whose telephone number is (703) 308-0693.

Serial Number: 09/471816

Page 7

Art Unit: 2831



Chau N. Nguyen

Primary Examiner

CN

October 2, 2001